

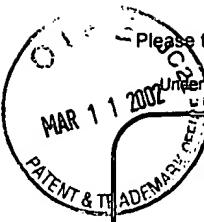
**COPY OF PAPERS  
ORIGINALLY FILED**

AS  
ca  
04.02.02

Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



**TRANSMITTAL  
FORM**

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

6

Application Number	09/747,824
Filing Date	December 22, 2000
First Named Inventor	Simons, John
Group Art Unit	2122
Examiner Name	Unassigned

RECEIVED

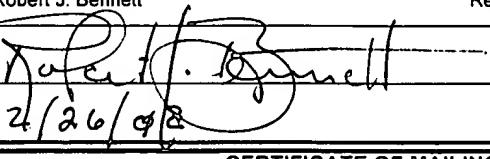
MAR 20 2002

Technology Center 2100

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>  TRANSMITTAL FORM, Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

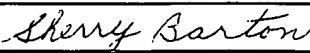
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm and Individual name	Townsend and Townsend and Crew LLP	
	Robert J. Bennett	
Signature		
Date	2/26/02	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

February 26, 2002

Typed or printed name	Sherry Barton		
Signature			
Date	February 26, 2002		

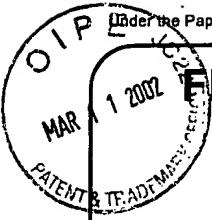
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
SF 1321164 v1

**OPY OF PAPERS  
ORIGINALLY FILED**

PTO/SB/17 (09-00)

Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

(Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.)



## **EE TRANSMITTAL for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT (\$)** 180

**Complete If Known**

Application Number	09/747,824
Filing Date	December 22, 2000
First Named Inventor	Simons, John
Examiner Name	Unassigned
Group Art Unit	2122
Attorney Docket No.	16869C-017000US

**RECEIVED**

MAR 2 0 2002

Technology Center 2100

<b>METHOD OF PAYMENT</b>				<b>FEES CALCULATION (continued)</b>																																																																																																																																																																																																							
<p><b>1. <input checked="" type="checkbox"/></b> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <b>20-1430</b></p> <p>Deposit Account Name <b>Townsend and Townsend and Crew LLP</b></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p><b>3. ADDITIONAL FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>219</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>220</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive – unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive – unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>243</td><td>230</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td>180</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>246</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>279</td><td>370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="6" style="text-align: center;">Other fee (specify)</td></tr> <tr> <td colspan="4" style="text-align: center;">The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.</td> <td colspan="4"></td> </tr> <tr> <td colspan="4" style="text-align: center;">*Reduced by Basic Filing Fee Paid</td> <td colspan="4" style="text-align: center;">SUBTOTAL (3) (\$180)</td> </tr> </tbody> </table>				Large Entity Fee Code (\$)	Entity Fee Code (\$)	Small Entity Fee Code (\$)	Entity Fee Code (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet.		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1,440	218	720	Extension for reply within fourth month		128	1,960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive – unavoidable		141	1,280	241	640	Petition to revive – unintentional		142	1,280	242	640	Utility issue fee (or reissue)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt	180	581	40	581	40	Recording each patent assignment per property (times number of properties)		146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify)						The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.								*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$180)			
Large Entity Fee Code (\$)	Entity Fee Code (\$)	Small Entity Fee Code (\$)	Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																																																																						
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																																							
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																																																							
139	130	139	130	Non-English specification																																																																																																																																																																																																							
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																																																																							
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																							
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																							
115	110	215	55	Extension for reply within first month																																																																																																																																																																																																							
116	400	216	200	Extension for reply within second month																																																																																																																																																																																																							
117	920	217	460	Extension for reply within third month																																																																																																																																																																																																							
118	1,440	218	720	Extension for reply within fourth month																																																																																																																																																																																																							
128	1,960	228	980	Extension for reply within fifth month																																																																																																																																																																																																							
119	320	219	160	Notice of Appeal																																																																																																																																																																																																							
120	320	220	160	Filing a brief in support of an appeal																																																																																																																																																																																																							
121	280	221	140	Request for oral hearing																																																																																																																																																																																																							
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																							
140	110	240	55	Petition to revive – unavoidable																																																																																																																																																																																																							
141	1,280	241	640	Petition to revive – unintentional																																																																																																																																																																																																							
142	1,280	242	640	Utility issue fee (or reissue)																																																																																																																																																																																																							
143	460	243	230	Design issue fee																																																																																																																																																																																																							
144	620	244	310	Plant issue fee																																																																																																																																																																																																							
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																																							
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																																							
126	180	126	180	Submission of Information Disclosure Stmt	180																																																																																																																																																																																																						
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																							
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																							
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																							
179	740	279	370	Request for Continued Examination (RCE)																																																																																																																																																																																																							
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																																							
Other fee (specify)																																																																																																																																																																																																											
The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.																																																																																																																																																																																																											
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$180)																																																																																																																																																																																																							
**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																																											

**SUBMITTED BY**

**Complete (if applicable)**

Name (Print/Type)	Robert J. Bennett	Registration No. (Attorney/Agent)	27,533	Telephone	415-576-0200
Signature	<i>[Signature]</i>			Date	2-26-02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. SF 1321150 v1



**COPY OF PAPERS  
ORIGINALLY FILED**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

RECEIVED

MAR 20 2002

Technology Center 210C

**In re application of:**

John Simons

Application No.: 09/747,824

Filed: December 22, 2000

For: ASSEMBLY LANGUAGE CODE  
COMPILATION FOR AN  
INSTRUCTION-SET ARCHITECTURE  
CONTAINING NEW INSTRUCTIONS  
USING THE PRIOR ASSEMBLER

Examiner: Unassigned

Art Unit: 2122

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Statement of Facts set forth below is being called to the attention of the Examiner. As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the Statement of Facts describes prior art merely because it is in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.. To the contrary, it is Applicant's position that since the invention was never made known to the public, and never made available to the public, more than one year prior to the filing of the above-identified patent application, the information does not constitute prior art.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

**COPY OF PAPERS  
ORIGINALLY FILED**

Please type a plus sign (+) inside this box →

PTO/SB/08B (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

1

**Complete if Known**

Application Number	09/747,824
Filing Date	December 22, 2000
First Named Inventor	Simons, John
Group Art Unit	2122
Examiner Name	Unassigned
Attorney Docket Number	16869C-017000US

**RECEIVED**

MAR 20 2002

Technology Center 210

**STATEMENT OF FACTS**

In or about 1994, Hitachi Microsystems Inc. (now Hitachi Semiconductor (America), Inc.), a wholly-owned subsidiary of Assignee of this application, Hitachi, Ltd., began design and development of a next generation processor that would replace a then commercially marketed processor (hereinafter, the "Earlier Processor"). It was contemplated the next generation processor would retain much of the architecture of the Earlier Processor, but would include digital signal processing (DSP) functionality. This design and development effort would also include development of a new assembler; one that would be able to not only recognize, interpret, and assemble (to machine language) assembly language instructions of the instruction set architecture used by the Earlier Processor, but also newly added instructions that would exercise the added DSP functionality of the next generation processor.

The responsibility for creating the new assembler was assigned to another wholly-owned subsidiary of Assignee, Hitachi America, Ltd. Development of the new assembler meant that it would not be available, until completed, for assembling new (DSP related) assembly language instructions for testing, debugging, and benchmarking the next generation processor design. Thus, rather than wait, the present invention was developed to incorporate the assembler for the Prior Processor into a "Spoof" assembler that was capable of handling instructions added to the new instruction set architecture to take advantage of the added DSP capability.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SF 1314914 v1

Please type a plus sign (+) inside this box →

PTO/SB/08B (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449B/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

3

of

3

Complete if Known

Application Number 09/747,824

Filing Date December 22, 2000

First Named Inventor Simons, John

Group Art Unit 2122

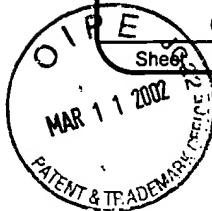
Examiner Name Unassigned

Attorney Docket Number 16869C-017000US

RECEIVED

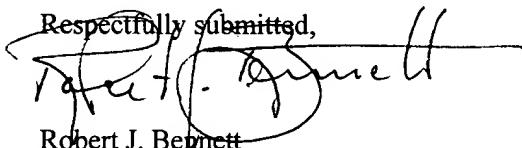
MAR 20 2002

Technology Center 2100



The Spoof assembler was never made public, never sold, and used only internally by Assignee and Assignee's wholly-owned subsidiary to test and benchmark the design of the next generation processor. In addition, speech compression programs were developed using the Spoof assembler, which were later provided to customers of the next generation processor when put on the market.

Respectfully submitted,

  
Robert J. Bennett  
Reg. No. 27,533

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
RJB:sb

SF 1314914 v1

Examiner Signature		Date Considered
--------------------	--	-----------------

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup> Unique citation designation number. <sup>3</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SF 1314914 v1